

SENATE No. 774

The Commonwealth of Massachusetts

PRESENTED BY:

Robert L. Hedlund

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Puppy Mills.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert L. Hedlund	Plymouth and Norfolk
Cheryl A. Coakley-Rivera	10th Hampden
Thomas M. Stanley	9th Middlesex
Bruce E. Tarr	First Essex and Middlesex
Louis L. Kafka	8th Norfolk
Susan C. Tucker	Second Essex and Middlesex
Kenneth J. Donnelly	Fourth Middlesex
William N. Brownsberger	24th Middlesex
Stephen L. DiNatale	3rd Worcester
Peter J. Koutoujian	10th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PUPPY MILLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 140 of the General Laws as most recently appearing in the 2006
2 Official Edition is hereby amended by striking Section 137A and inserting in place thereof the
3 following section:

4 Section 137A. Every person maintaining a kennel shall have a kennel license. Any owner or
5 keeper of less than four dogs three months old or over who does not maintain a kennel may elect
6 to secure a kennel license in lieu of licensing such dogs under section one hundred and thirty-
7 seven, and during such time as he does not license such dogs thereunder shall have a kennel
8 license and shall be subject to this section and to sections one hundred and thirty-seven B and
9 one hundred and thirty-seven C and to so much of section one hundred and forty-one as relates to
10 violations of this section, section one hundred and thirty-seven B or section one hundred and
11 thirty-seven C to the same extent as though he were maintaining a kennel. Kennel licenses under
12 this section shall be issued by the police commissioner of the city of Boston if the dogs are to be
13 kept under such license in said city or by the clerk of any other town if to be so kept in said town.

14 Such license shall be in a form prescribed by the director, upon a blank to be furnished, except in
15 the county of Suffolk, by the county in which the town is located. Such license shall be in lieu of
16 any other license for any dog while kept at such kennel during any portion of the period for
17 which such kennel license is issued. The holder of a license for a kennel shall cause each dog
18 kept therein to wear, while it is at large, a collar or harness of leather or other suitable material,
19 to which shall be securely attached a tag upon which shall appear the number of such kennel
20 license, the name of the town issuing such license and the year of issue. Such tags shall be in a
21 form prescribed by the director, and shall be furnished to such owner or keeper by the clerk of
22 the town in which such kennel is licensed, or, if licensed in Boston, by the police commissioner,
23 in quantities not less than the number of dogs kept in such kennel. The fee for each license for a
24 kennel shall be ten dollars if not more than four dogs are kept in said kennel, twenty-five dollars
25 if more than four but not more than ten dogs are kept therein and fifty dollars if more than ten
26 dogs are kept therein; provided, that, for the purpose of determining the amount of such fee for
27 any kennel, dogs under the age of six months shall not be counted in the number of dogs kept
28 therein. The name and address of the owner of each dog kept in any kennel, if other than the
29 person maintaining the kennel, shall be kept on file thereat and available to inspection by the
30 county commissioners and by any dog officer, natural resource officer, deputy natural resource
31 officer, fish and game warden or police officer.

32 The clerk of any town, or in Boston the police commissioner, shall upon application issue
33 without charge a kennel license to any domestic charitable corporation incorporated exclusively
34 for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering
35 among animals.

36 Any holder of a license for a kennel in any town may remove his kennel to a location in any
37 other town in the same county, with the written approval of such new location of the mayor or
38 selectmen of the town to which he removes his kennel. Before such removal he shall deliver to
39 the clerk of the town into which he intends to remove his kennel the written approval of the
40 mayor or selectmen thereof and his original license, and the clerk shall thereupon, on payment of
41 a fee of one dollar, issue to him a new license covering the new location for the balance of the
42 period of the original license.

43 No kennel license shall be issued to a person who owns, possesses, controls, or otherwise has
44 charge of more than twenty-five intact dogs over the age of six months at any time.

45 SECTION 2. Chapter 140 of the General Laws as most recently appearing in the 2006
46 Official Edition is hereby amended by striking Section 137C and inserting in place thereof the
47 following section:

48 Section 137C. Flooring in all kennels shall be a solid surface or a solid/slatted combination.
49 Ground level kennels shall be of poured concrete sealed with an epoxy sealant so that the runs
50 can be properly cleaned and disinfected. Raised kennels should be slatted with a solid resting
51 surface. Floors constructed with slats shall be flat and must have spaces in between that are no
52 more than 0.5 inches in width. The slats must have spaces between them that run the length of
53 the floor and be no less than 3/5 inches in width. Slats shall be level with the slat next to it
54 within a single enclosure and must be strong enough so that it doesn't sag or bend between
55 structural supports. Slats must be constructed of a material impervious to moisture and able to
56 be cleaned and sanitized.

57 Primary enclosures must be placed no higher than 42 inches above the floor and may not be
58 placed over or stacked on top of another cage or primary enclosure.

59 Each dog over four months of age shall be provided with a minimum of one exercise period
60 during each day for a total of not less than one hour of exercise during such day. Such exercise
61 shall include removing the dog from the dog's primary enclosure and either leash walking or
62 giving the dog access to an enclosure at least four times the size of the primary enclosure
63 allowing the dog free mobility for the entire exercise period, but shall not include use of a
64 treadmill, catmill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of
65 veterinary medicine. The exercise requirements in this section shall not apply to a dog certified
66 by a doctor of veterinary medicine as being medically precluded from exercise.

67 Structures or buildings where dogs are kept must be constructed so that dogs remain clean and
68 dry and must be sufficiently heated and cooled to protect the dogs from temperature or humidity
69 extremes. Ambient temperature must not fall below 50 degree F or rise above 85 degrees F and
70 must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels and to
71 prevent moisture condensation. Structures or buildings must be equipped with a working smoke
72 alarm and have a means of fire suppression, such as functioning fire extinguishers or a
73 functioning sprinkler system on the premises and must have sufficient lighting to allow for
74 observation of the dogs at any time of day or night.

75 Feces, hair, dirt, debris and food waste must be removed from primary enclosure at least daily or
76 more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests and
77 odors. Food must be stored in manner that protects it from spoilage, vermin infestation and
78 prevents contamination. Food and water receptacles must be readily cleaned and sanitized.

79 Dogs must be removed from enclosures during cleaning. Enclosure must contain potable water
80 that is not frozen, is free from debris, and is readily accessible to all dogs at all times.

81 Dogs shall be provided space to allow each dog to turn about freely, to stand, sit and lie down.
82 The dog must be able to lie down while fully extended without the dog's head, tail, legs, face or
83 feet touching any side of the enclosure and without touching any other dog in the cage when all
84 dogs are lying down simultaneously. The interior height of the enclosure must be at least six
85 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing
86 position. Each cage should be at least 3 times the length of the longest dog in the cage, from tip
87 of nose to base of tail.

88 All dogs housed in the same enclosure must be compatible, as determined by observation. Dogs
89 with a vicious or aggressive disposition must be housed individually. Breeding females in heat
90 may not be housed in the same enclosure with sexually mature males, except for breeding.
91 Breeding females with litters may not be housed in the same enclosure with other adult dogs.
92 Puppies under 12 weeks may not be housed in the same enclosure with other adult dogs, other
93 than the dam or foster dam.

94 A male unaltered dog must be examined by a veterinarian at least once a year. A female
95 unaltered dog must be examined by a veterinarian at least once a year or prior to each attempt at
96 breeding, whichever occurs more frequently. A dog shall not be bred if a veterinarian determines
97 that the animal is unfit for breeding purposes. Only dogs between the ages of 18 months and 8
98 years of age may be used for breeding. Female dogs shall only be allowed to whelp one litter per
99 year. The veterinarian shall use appropriate methods to prevent, control, diagnose, and treat
100 diseases and injuries. Ear cropping, tail docking, debarking, and surgical births are prohibited

101 except under anesthesia and by a licensed veterinarian. Animals requiring euthanasia will be
102 euthanized only by a licensed veterinarian.

103 No person may own, possess, control, or otherwise have charge of more than twenty-five intact
104 dogs over the age of six months at any time.

105 The mayor of a city or selectmen of a town, or in Boston the police commissioner, or a chief of
106 police or a dog officer within his jurisdiction, may at any time inspect or cause to be inspected
107 any kennel and if, in their or his judgment, the same is not being maintained in a sanitary and
108 humane manner, or if records are not properly kept as required by law, the county
109 commissioners, or in Boston the police commissioner, shall by order revoke or suspend, and in
110 case of suspension may reinstate, such license. Upon the petition of twenty-five citizens, filed
111 with the mayor of a city or the selectmen of a town, or in Boston with the police commissioner,
112 setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs
113 at a kennel maintained in such city or town, because of the excessive barking or vicious
114 disposition of said dogs or other conditions connected with such kennel constituting a public
115 nuisance, said mayor, selectmen or police commissioner, as the case may be, within seven days
116 after the filing of such petition, shall give notice to all parties in interest of a public hearing to be
117 held within fourteen days after the date of such notice. Within seven days after such public
118 hearing said mayor or selectmen, in Nantucket county or in Suffolk county elsewhere than in
119 Boston, or in Boston said police commissioner, shall make an order either revoking or
120 suspending such kennel license or otherwise regulating said kennel, or dismissing said petition.
121 In counties other than Nantucket or Suffolk, said mayor or selectmen within said seven days
122 shall report in writing to the county commissioners their recommendations and within seven days
123 after receipt of such report said county commissioners shall investigate or cause to be

124 investigated the subject matter of such petition and shall, by order, either affirm or deny such
125 recommendations by suspending or revoking such kennel license or otherwise regulating such
126 kennel, or by dismissing the petition. Written notice of any order under this section revoking,
127 suspending or reinstating a license shall be mailed forthwith to the officer issuing such license
128 and to the holder of such license. Within ten days after such order the holder of such license may
129 bring a petition in the district court within the judicial district of which such kennel is
130 maintained, addressed to the justice of the court, praying that the order may be reviewed by the
131 court, and, after such notice to the officer or officers involved as the court may deem necessary,
132 it shall review such action, hear the witnesses and affirm such order unless it shall appear that it
133 was made without proper cause or in bad faith, in which case such order shall be reversed. The
134 decision of the court shall be final and conclusive upon the parties. Any person maintaining a
135 kennel after the license therefor has been so revoked, or while such license is so suspended, shall
136 be punished by a fine of not more than fifty dollars.